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Attorneys for Plaintiff
THAT ONE VIDEO ENTERTAINMENT, LLC, a
California limited liability company

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

THAT ONE VIDEO
ENTERTAINMENT, LLC, a
California limited liability company,

Plaintiff,
vs.

KOIL CONTENT CREATION PTY
LTD., an Australian proprietary
limited company doing business as
NOPIXEL; MITCHELL CLOUT, an
individual; and DOES 1-25, inclusive,

Defendants.

CASE NO: 2:23-cv-02687 SVW (JCx)

[Assigned to the Hon. Stephen V. Wilson;
Ctrm 10A]

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S OBJECTIONS TO
DEFENDANTS' EVIDENCE
PROFFERED IN SUPPORT OF THEIR
MOTION FOR ATTORNEY'S FEES**

*[Opposition; [Proposed] Order Granting
Objections to Evidence Filed Concurrently
Herewith]*

Hearing

Date: December 9, 2024
Time: 1:30 p.m.
Dept.: Courtroom 10A (10th Floor)
350 W. First Street
Los Angeles, CA 90012
Judge: Hon. Stephen V. Wilson

**[PROPOSED] ORDER GRANTING PLAINTIFF'S OBJECTIONS TO
DEFENDANTS' EVIDENCE PROFFERED IN SUPPORT OF THEIR MOTION
FOR ATTORNEY'S FEES**

[PROPOSED] ORDER

The evidentiary objections timely filed by Plaintiff THAT ONE VIDEO ENTERTAINMENT, LLC, a California limited liability company (“TOVE” or “Plaintiff”) came on for hearing in this Court, specifically, TOVE’s objections to the Declaration of Keith L. Cooper filed by Defendants KOIL CONTENT CREATION PTY LTD., an Australian proprietary limited company doing business as NOPIXEL (“NoPixel”), and MITCHELL CLOUT, an individual (“Clout”) in support of their Motion for Attorney’s Fees (the “Motion”).

The Court having read and considered the objections, hereby rules as follows:

DECLARATION OF KEITH L. COOPER

Cooper Decl.	TOVE’s Objections	Court’s Ruling
¶3, 2:11-24	Plaintiff objects to attachment of, and references made to, the confidential, pre-litigation demand letter sent “ <i>on behalf of Daniel Tracey (not Plaintiff TOVE)</i> ,” on the basis that such letter, and Cooper’s references thereto, are confidential, pre-litigation settlement communications that are inadmissible under FRE 408. Plaintiff further objects on the basis that the admission of such letter, and Coopers references thereto, would be contrary to statute’s explicit purpose of encouraging settlement discussions between the parties. <i>See Hudspeth v. Comm’r of</i>	Sustained: _____ Overruled: _____

Internal Revenue Serv., 914 F.2d 1207, 1213-14 (9th Cir. 1990) (noting that two principles underlie FRE 408, including that (1) evidence of a compromise is irrelevant because the offer may be “motivated by a desire for peace rather than from any concession of weakness of position, and (2) the promotion of public policy favoring the compromise and settlement of disputes.).

DATED: _____

HON. STEPHEN V. WILSON
UNITED STATES DISTRICT
COURT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing electronically filed document has been served via a “Notice of Electronic Filing” automatically generated by the CM/ECF System and sent by e-mail to all attorneys in the case who are registered as CM/ECF users and have consented to electronic service pursuant to L.R. 5-3.3.

Dated: November 18, 2024

By: /s/ John Begakis
John M. Begakis